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# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/712,768
Filing Date	November 14, 2000
First Named Inventor	Akira ASAKURA
Art Unit	1652
Examiner Name	Elizabeth Slobodyansky
Attorney Docket Number	20511 US (C038435/0111693)

## This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

### 1. Submission required under 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- ii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_

### 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

### 3. Fees

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 02-4467
- i. ☐ RCE fee required under 37 CFR 1.17(e) 11/18/2003 AWONDAF1 00000132 09712768
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17) 01 FC:1801 770.00 OP
- iii. ☒ Other any fees not otherwise paid by check.
- b. ☒ Check in the amount of \$ 770.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print / Type)	Gonzalo Merino, Ph.D.	Registration No. (Attorney / Agent)	51,192
Signature		Date	11/11/03

### CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print / Type)	Gonzalo Merino, Ph.D.	Date	11/11/03
Signature			

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



Docket No.: 20511 US (C038435/0111693)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Akira ASAKURA, *et al.* ) Examiner: E. Slobodyansky, Ph.D.  
Serial No.: 09/712,768 ) Art Unit: 1652  
Filed: November 14, 2000 )  
For: **CYTOCHROME C OXIDASE** )  
**ENZYME COMPLEX** )

New York, New York  
November 11, 2003

**SUBMISSION UNDER 37 CFR § 1.114:**  
**RESPONSE TO OFFICE ACTION INCLUDING AMENDMENT**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box. 1450  
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action mailed on February 7, 2003, (Paper No. 13) and telephonic Examiner's Interviews between the Examiner and the undersigned conducted on July 15 and 17, 2003 ("Interviews"). This Response is being filed concurrently with a Request for Continued Examination (RCE), and satisfies the requirement to file a "submission" under 37 CFR § 1.114(a). A Notice of Appeal was filed in this case and was afforded a filing date of August 11, 2003. A one-month extension of time is hereby requested. Accordingly, this RCE and Response are timely filed with an executed certificate of mailing on or before November 11, 2003. Enclosed are checks in the amounts of \$770.00 and \$110.00 to cover the fee for the RCE and petition for extension of time, respectively. 37 CFR § 1.17. Please charge any fees not

Application No.: 09/712,768  
Amendment Dated: November 11, 2000  
Reply to Office Action mailed: February 7, 2003

otherwise paid by check to Deposit Account No. 02-4467. A duplicate copy of this sheet is enclosed.

Please amend the application as follows:

**Amendments to the Specification:** begin on page 3 of this Response.

**Amendments to the Claims** begin on page 4 of this Response, and contain a complete listing of the claims as required.

**Amendments to the Drawings:** None.

**Remarks** begin on page 24 of this Response.